

## **MINUTES**

### **ALCOHOL AND TOBACCO COMMISSION**

**JULY 16, 2002**

**(Approved August 6, 2002)**

### **CALL TO ORDER/NOTING OF QUORUM**

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Commissioner Davis and Commissioner Marks. Also in attendance were Superintendent Davis, Executive Secretary Steiner and Industry Liaison Okey.

Pam Ferguson of WSWI, Jim Calvert of Olinger, Ronna Chappell of ILBA, Tim O'Hara, Jeff McKean and Carol Tietz were present as observers.

Chairperson DePrez welcomed the 2002 State Excise Police recruit class to the meeting.

### **COMMUNICATIONS FROM THE FLOOR**

There were no Communications From the Floor.

### **DISPOSITION OF MINUTES**

Commissioner Marks moved to approve the minutes that were submitted for the July 2, 2002 meeting. Motion seconded by Commissioner Davis and it was unanimously approved.

### **HEARING JUDGE'S RECOMMENDATIONS**

Commissioner Davis moved to approve the PAD forms that were submitted for the July 16, 2002 meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

### **APPEAL OF HEARING JUDGE'S RECOMMENDATIONS**

There were no Appeals of Hearing Judge's Recommendations.

### **CONSIDERATION OF APPLICATIONS**

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

Three hundred fifty-eight (358) renewals approved, forty-nine (49) new and/or transfer permits approved, nine (9) permits conditionally approved, one (1) permit approved for first year escrow and two (2) permits approved for second year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Davis and it was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

DL49-18873 AMERICAN OIL COMPANY – Commissioner Marks noted this is a new type 116 application with the local board voting two (2) to two (2).

Commissioner Marks moved to approve the issuance of the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

DL49-18879 AMERICAN OIL COMPANY – Chairperson DePrez noted this application was voted on by the Commission previously, based on the fact that the Commission thought this was a 2-1 recommendation by the local board for approval. Since that time it was found that the vote by the local board was 2-2; therefore, the Commission will revote on this application.

Chairperson DePrez moved to approve the issuance of the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR49-19848 THE UGLY MONKEY, LLC – Commissioner Marks noted this is a new type 219 application with the local board voting four (4) to zero (0) to approve.

Commissioner Marks moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR45-18098 JAMES W. LURTZ – Commissioner Marks noted this is a type 210-1 transfer of location application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Marks moved to uphold the local board's recommendation to deny the transfer of location. Motion seconded by Commissioner Davis and it was unanimously approved.

RR45-01568 ANDY'S RESTAURANT AND LOUNGE, INC. – Commissioner Marks noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Marks moved to uphold the local board's recommendation to deny the renewal. Motion seconded by Commissioner Davis and it was unanimously approved.

RR45-02653 LESTER E. COLLINS – Commissioner Marks noted this is a type 210 transfer of ownership and location application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Marks moved to uphold the local board's recommendation to deny the transfers. Motion seconded by Commissioner Davis and it was unanimously approved.

RR32-18517 RARE HOSPITALITY INTERNATIONAL, RR32-98321 O'CHARLEY'S, INC., RR32-18519 GMRI, INC., RR32-18515 GMRI, INC., RR32-18514 GMRI, INC., RR32-18518 BRINKER INDIANA, INC. – Commissioner Marks noted the locations of these permits were annexed into the city limits of Avon. Permittees are requesting that the permits be converted to type 210 permits.

Commissioner Marks moved to approve the requests. Motion seconded by Commissioner Davis and it was unanimously approved.

DL62-07563 KAREN BURDEN STONEWALL – Commissioner Marks noted this permittee is requesting that this permit be converted from a type 216 permit to a type 217 permit.

Commissioner Marks moved to approve this request. Motion seconded by Commissioner Davis and it was unanimously approved.

### **INACTIVE FILES**

Commissioner Marks moved to make six permits inactive. Four (4) permits are not subject to auction and two (2) permits are subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

RR15-92121 AND RR15-91037 MARLENE MEYER – Commissioner Marks noted these permits were made inactive; however, the renewals and a transfer have now been received for this permit and the permittee is requesting this permit be made active.

Commissioner Marks moved to reactivate these permits. Motion seconded by Commissioner Davis and it was unanimously approved.

### **APPEALS FROM LOCAL BOARD RECOMMENDATIONS**

DL56-19721 CASEY'S ENTERPRISES, LLC – Appeal will be assigned to a hearing officer.

### **OLD BUSINESS**

PROPOSED RULE #01-262 – Chairperson DePrez stated that LSA Doc #01-262 concerning the posting of signs has been sent to the Attorney General's office for approval.

### **NEW BUSINESS**

BLACK EXPO SUMMER CELEBRATION – Indiana Black Expo is requesting permission to serve donated alcoholic beverages at their 32<sup>nd</sup> Annual Summer Celebration.

EASTER PACIFIC GRILLE FUNDRAISER – Easter Pacific Grille & Bar is requesting permission to hold a wine tasting to benefit the Culver Community Youth Center.

STANLEY K LACY LEADERSHIP ASSOCIATION FUNDRAISER – The Stanley K. Lacy Leadership Association is requesting permission to serve donated alcoholic beverages at their fundraiser.

Commissioner Davis moved to approve these requests. Motion seconded by Commissioner Marks and it was unanimously approved.

### **POLICY DETERMINATIONS**

There were no Policy Determinations.

### **UNDER ADVISEMENT**

There was nothing Under Adviseement.

### **ANNOUNCEMENTS**

AUGUST 20, 2002 MEETING – Chairperson DePrez stated the August 20, 2002 meeting will be held at 9:30 a.m., instead of 2:30 p.m.

## **ADJOURNMENT**

Commissioner Davis moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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MARY DEPREZ, CHAIRPERSON

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BARBARA L. GLASS, VICE CHAIRPERSON

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JAMES DAVIS, COMMISSIONER

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GIGI M. MARKS, COMMISSIONER